

TOWN OF WELLFLEET

BEACH RULES AND REGULATIONS

**Amended 12/18/00, 02/24/03, 01/27/04, 05/11/04, 06/13/06, 06/26/07, 03/24/09, 1/26/10, 2/22/11,
8/14/2012, 2/26/2013, 4/22/2014, 5/10/2016, 4/11/2017, 1/23/2018**

1. Authority

The Board of Selectmen of the Town of Wellfleet, MA, has adopted the following rules and regulations pertaining to the use of all Town-owned landing places and beaches within the Town of Wellfleet pursuant to the provisions of Mass. General Laws, Chapter 88, Section 19, Chapter 21, subsection (1) and Chapter 90B, Section 15(b) and any amendments thereof.

2. Purpose and Intent

The purpose and intent of these regulations is to establish requirements for the orderly use of the bathing beaches and associated parking areas owned by the Town of Wellfleet to protect the health and safety of the public and to preserve and protect the resource areas covered by these regulations. A list of the applicable bathing beaches within the Town of Wellfleet is attached hereto and incorporated by reference herein.

3. Definition: “Summer season” is the period between the third Saturday in June through Labor Day between the hours of 9:00 am and 5:00 pm. (amended 02/27/07)

4. Parking

Any motor vehicle parked at a Town landing place or beach or on Nauset Road in the marked area during the summer season must clearly display a valid parking permit.

B. The permit must be attached to the upper part of the exterior of the rearmost side window on the driver’s side of the vehicle.

C. Any motor vehicle without a rear side window shall clearly display its permit on the upper portion of the driver’s side window.

D. Parking permits will not be issued to Dealer Plates.

E. Parking without a valid permit may be authorized only by the Director of Community Services. (amended 02/24/03, 01/27/04, 11/20/09)

F. All Town landing places and beaches shall be closed to parking between the hours of midnight and one half hour before sunrise each day from June 1 to October 1 except to those persons actively engaged in fishing.

G. No trailers or overnight campers are allowed to park in beach areas or Town parking areas between midnight and one half hour before sunrise from June 1 to October 1 except for those persons actively engaged in fishing.

5. Prohibitions

A. Fishing or surf casting, water skiing and use of personal watercraft -are prohibited within 500 feet of all Town landing areas during the summer season. Personal watercraft are prohibited in any Town-owned parking lots or on any Town- owned beaches (amended 01/27/04)

B. Surfing is prohibited during the summer season on the guarded portion of the beaches at Newcomb Hollow, Cahoon Hollow or Maguire Landing at LeCount Hollow when the lifeguards are on duty. Surfing is permitted during the summer season on the guarded portion of the beach at White Crest. (amended 03/24/06)

C. Hang gliding and para-gliding are prohibited at any Town beach or landing, adjacent dunes and parking lots from April 15th through October 1. (amended 06/26/07)

D. Using, launching, landing or operating an unmanned aircraft from, above or on land, or waters associated with any of the Town of Wellfleet bathing beaches is prohibited at all times by private individuals and entities except as approved in writing by the Town Administrator. The term “unmanned aircraft” means a device that is used or intended to be used for flight in the air without the possibility of direct human

intervention from within or on the device and the associated operational elements and components that are required for the pilot or system or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose including recreation or commerce.

- E. Garbage, litter and recycling of all kinds must be deposited in the specified containers or carried from the area with you.
- F. The use of soap, shampoo, detergents or cleaning substances is prohibited in all fresh water ponds.
- G. All persons using Town beaches at any time shall be properly attired.
- H. No rafts or other floatation devices may be used at any ocean beach without the permission of the lifeguard(s) on duty during the summer season. (amended 01/27/04)
- I. Climbing on all dunes and coastal banks is prohibited except along designated access routes to the beach.
- J. Alcoholic beverages are prohibited on all Town property. (General By-Laws, Article VII, Section 19)
- K. Businesses that rent paddleboards and all other water equipment may not drop off rental equipment for the unsupervised use of rental clients at Gull Pond. (1/23/2018)

6. Animals

- A. No domesticated animals are allowed to be left in any parked vehicles in any beach parking lot or in any beach area or on Nauset Road during the summer season.
- B. The owner or person in charge of any domesticated animal that defecates on any Town of Wellfleet owned property shall promptly remove the fecal matter and dispose of it in a place where it will not cause pollution either directly or indirectly of any pond, wetland, groundwater or coastal water.
- C. All domesticated animals must be leashed at all times on Town beaches and landings between May 15th and October 15th.
- D. Domesticated animals are not allowed on the lifeguarded portions of Newcomb Hollow, Cahoon Hollow, White Crest and Maguire Landing at LeCount Hollow between the hours of 9am and 5pm during the summer season except to walk from the parking lot to a point beyond the end of the guarded beach.
- E. Domesticated animals are never allowed on the following salt water beaches and landings: Burton Baker, Indian Neck and Nauset Road, Mayo Beach and Powers Landing.
- F. Domesticated animals shall be kept away from bathers at all town landings and beaches at all times.
- G. Domesticated animals are not allowed in the following freshwater ponds or on the beaches of these ponds: Gull Pond, Long Pond, Great Pond, Duck Pond, Higgins Pond, the Sluiceway, Spectacle Pond, or Dyer Pond from May 15th through October 15th. (amended 03/24/09)

7. Lessons and Events

Permission to Use Town Property must be obtained from the Wellfleet Board of Selectmen to use a Town beach or landing for the purposes of:

- A. giving lessons of any kind;
- B. conducting canoe or kayak tours or
- C. conducting business on Town Property (e.g. dropping off and picking up rental kayaks and paddle boards)
- D. holding events.

Liability insurance naming the Town of Wellfleet as an additional insured in the amount of \$1,000,000 is required. A fee may be required by the Board of Selectmen. All surfing lessons and surfing competitions shall be limited to White Crest Beach and adjacent parking lots. (amended 06/13/06, 03/24/09)

8. Enforcement Penalties

A. Criminal Complaint

Whoever violates any of the above rules and regulations shall be punished by a fine of not more than fifty (\$50) for each offense. If the payment for such a fine is not received by the Town within three weeks from the date of the violation, the violator shall lose the right to obtain or use a Wellfleet Beach Parking Permit. A violation of each specific rule or regulation shall be deemed a separate offense and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein-(amended 03/24/09)

B. Non-Criminal Disposition

As an alternative to initiating criminal proceeding pursuant to subsection A above, the enforcing agent may dispose of a violation of these rules and regulations pursuant to the following procedures. Whoever violated any provision of these rules and regulations may, in the discretion of officers of the Wellfleet Police Department, Beach Administrator, Beach Guard Captain, Head Lifeguard, Harbormaster, Assistant Harbormaster, Health and Conservation Agent, Assistant Health and Conservation Agent, Shellfish Constable, Deputy Shellfish Constables, Animal Control Officer or member of the Board of Selectmen be penalized by a non-criminal complaint pursuant to the provisions of M.G.L Chapter 40, Section 21D. Whoever violates any rule or regulation as stated above shall be subject to a fine of not more than fifty (\$50) for each separate offense. If the payment for such a fine is not received by the Town within three weeks from the date of the violation, the violator shall lose the right to obtain or use a Wellfleet Beach Fire Permit or a Wellfleet Beach Parking Permit. A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein. (03/24/09. 1/26/10, 8/14/2012)